

Office deems them allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. (Office Action, page 2.)
Claims 14-17 and 19-73 are allowable. (*Id.*)

I. The Claims Are Not Anticipated Under 35 U.S.C. § 102

Hanabusa

The Office rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by *Hanabusa et al.* (JP10273477; October 13, 1998) ("*Hanabusa*"), for the reasons set forth on page 2 of the Office Action. Applicants respectfully traverse the rejection because *Hanabusa* does not teach all the limitations of the instant claims.

The Office asserts that *Hanabusa* anticipates the instant claims because *Hanabusa* allegedly teaches "a compound of Formula I where Y = -CONHR' and R' = -hexyl and R = H." (Office Action, page 2.) In order for a cited reference to anticipate a claimed invention, the reference must teach all of the limitations of the claims in question. M.P.E.P. § 2131.

Applicant respectfully submits that *Hanabusa* does not anticipate the claimed invention because claim 1 includes the proviso that "at least one of said R' comprises at least one unsaturated hydrocarbon." See last two lines of claim 1. There is no indication that *Hanabusa* discloses an R' comprising at least one unsaturated hydrocarbon. Furthermore, in the statement of reasons for allowance of claims 14-17 and 19-73, the Office admits that "[t]he prior art does not teach or suggest the instant invention comprising the instant compound wherein at least one R' = unsaturated hydrocarbon." (Office Action, page 2.) Accordingly, *Hanabusa* fails to teach all of the

limitations of the instant claims. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Hide

Similarly, claims 1, 2, 4, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Hide et al.* (JP10212213; August 11, 1998) ("*Hide*"). (Office Action, page 2.) The Office asserts that *Hide* anticipates the instant claims because *Hide* allegedly teaches "a compound of Formula I where Y = -CONHR' and R' = -octadecyl and R = H or CH₃. *Hide* teaches cis-1,3,5-tris(oleoylaminocarbonyl)cyclohexane." (*Id.*)

As in the traversal of *Hanabusa*, Applicant traverses this rejection because claim 1 includes the proviso that "at least one of said R' comprises at least one unsaturated hydrocarbon." See last two lines of claim 1. There is no indication that *Hide* discloses an R' comprising at least one unsaturated hydrocarbon. Again, Applicant also points to the Office's admission that "[t]he prior art does not teach or suggest the instant invention comprising the instant compound wherein at least one R' = unsaturated hydrocarbon." (Office Action, page 2.) Accordingly, *Hide* fails to anticipate any of the claims.

Applicant respectfully requests reconsideration and withdrawal of the rejection.

II. Claims Withdrawn From Consideration

Claims 3 and 18 appear to have been withdrawn from consideration as being drawn to non-elected subject matter. (Office Action, page 1.) Because the elected species has been found to be allowable, and because the above anticipation rejections are without merit, Applicant requests the Office to continue to examine the full scope of

the claimed subject matter to the extent necessary to determine the full scope of the patentability thereof, *i.e.*, extending the search to the non-elected species, such as of claims 3 and 18 which read on non-elected species, as is the duty of the Office according to MPEP § 803.02 and 35 U.S.C. § 121.

Accordingly, Applicant respectfully requests that the Office rejoin claims 3 and 18 and examine them on the merits. Applicant submits that claims 3 and 18 are in condition for allowance.

III. All Claims Are Allowable As Written

Claims 14-17 and 19-73 are allowable. (Office Action, page 2.) Claims 5-12 are objected to as being dependent upon rejected base claims, but the Office deems them allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. (*Id.*) As discussed above, withdrawn claims 3 and 18 should be rejoined and examined on the merits.

In view of the Applicant's remarks made above, Applicant submits that claims 1-73 are in condition for allowance. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw its objection to the instant claims.

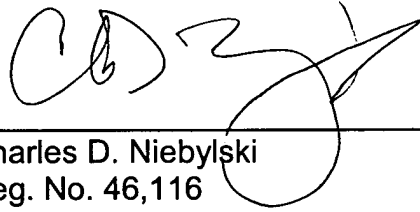
CONCLUSION

Applicant therefore respectfully requests reconsideration of the application, and the timely allowance of the pending claims. Please grant any extensions of time required to enter this amendment and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____


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